

ZB# 70-20

Casey Mans

(no SBL)

20-26 1944-1945



State of New York
County of Orange, ss:

**PUBLIC NOTICE OF HEARING
BEFORE THE ZONING
BOARD OF APPEALS**
PLEASE TAKE NOTICE that the
Zoning Board of Appeals of the
Town of New Windsor, New York,
will hold a public hearing pursuant
to Section 48-33A of the Zoning
Ordinance on the following proposi-
tion:
Request of C. P. Mans, as contract
purchaser of property owned by
Henry Nielsen, for a Variance of
the regulations of the Zoning Or-
dinance, to permit used car sales,
being a Variance of Article III,
Section 48-2B (11), for property si-
tuated on Route 94 and the northeast
corner of Temple Hill Road.
SAID HEARING will take place
on the 21st day of September, 1970,
at the Town Hall, 555 Union Avenue,
in said Town, beginning at 7:30
o'clock P.M.
Sept. 11
LOUISE BUDNEY,
Chairman

Hugh V. Nocton , being duly sworn deposes and
says that he is Principal Clerk of Newburgh-
Beacon News Co., Inc., Publisher of The Evening News.
a daily newspaper published and of general circulation in
the Counties of Orange and Dutchess, and that the notice
of which the annexed is a true copy was published
One Time
in said newspaper, commencing on the..... 11thday of
..... September..... A.D., 1970 , and ending on
the 11th day of September..... A.D., 19 70

Subscribed and sworn to before me this
..... 11th day of September 19 70

.....
Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 1971)

7 Franklin Ave.
New Windsor, N. Y. 12550
October 10, 1970

Mr. Casey P. Mans
16 Tamara Lane
Hornwall, N. Y.

Re: Application No. 70-20
for Variance

Dear Mr. Mans:

Please be informed that your application
for a variance has been granted by the New Windsor
Zoning Board of Appeals at a meeting held on
October 5, 1970.

Yours very truly,

Patricia Delio, Secretary

cc: Howard Collett, Bldg. Inspector
Town of New Windsor

Public Hearing - 7:30 - C.P. Mans 9/21/70

Spectator:

Name

Address

Mr. & Mrs. N. L. KARTIGANER

557 Rt 94 - New Windsor

THEODORE H. SOLOMON
ATTORNEY AT LAW

(716) 454-3370

THOMAS J. SOLOMON

700 EXECUTIVE OFFICE BUILDING
ROCHESTER, N. Y. 14614

Sept. 17, 1970

The Zoning Board of Appeals
Town of New Windsor
Town Hall
555 Union Avenue
New Windsor, N. Y. 12550

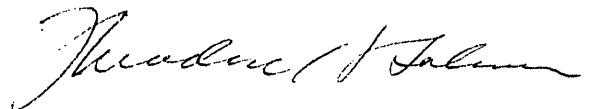
Re - Hearing Sept. 21, 1970
7:30 o'clock at Town Hall

Gentlemen:

As owner of the Vails Gate Post Office building,
I strenuously object to the granting of any zoning variance
to permit the sale of used cars at Route #94 and the north-
east corner of Temple Hill Road.

Because of my inability to personally present my
objections at the above meeting, I wish to indicate to
you my opposition to such a variance and request that you
place this on the record.

Very truly yours,



THS/jt



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
23 Clinton Wood Drive
New Windsor, New York
(914) 5

RE: Request - Henry I. Nielson

Marshall, Maria - Box 68
Vails Gate, New York 12584

Christopian, Frank
Box 202
Vails Gate, New York 12584

Sloan, Agnes M.
Vails Gate, New York 12584

Patterson, John T. and Co.
Vails Gate, New York 12584

Panella, Emilio & Sylvia *Dambeosio*
410 Blooming Grove Turnpike
New Windsor, New York 12550

Smith, George & Catherine
38 Willow Lane
New Windsor, New York 12550

Mangini, Anthony & Rose
319 58th Street
Brooklyn, 20, New York

Dlorah Estates, Inc.
c/o Harold Adams
Highland Ave.
Maybrook, New York

Solomon, Theodore H.
700 Exec. Office Building
Rochester, New York 14614

Vails Gate Fire Company
Vails Gate, New York 12584

Marshall, William & Blanche
Vails Gate, New York 12584

Moniz, Antone & Anastazja
Route 94
Vails Gate, New York 12584

Muller, William & Gloria
Marshall Park
Vails Gate, New York 12584

Jubalec Enterprises Co., Inc
c/o Ben Harris
MD #26, Route 9W
New Windsor, New York 12550

Welch, Richard D., Jr. & *Margaret*
6 Truex Drive
Vails Gate, New York 12584

Barbaro, Patsy & Matilda
Box 589
Vails Gate, New York 12584

Lukacik, Robina G.
Vails Gate, New York 12584

Highland-Quassaick Nat. Bank
381 Broadway
Newburgh, New York 12550

City School Dist. of Newburgh
98 Grand Street
Newburgh, New York 12550

Vails Gate Methodist Cemetery
Vails Gate, New York 12584



1763

Certified

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
23 Clinton Wood Drive
New Windsor, New York 12550
(914) 561-5482

RE: Henry L. Nielson

Sheet 2

Adams, Harold J.
Highland Avenue
Maybrook, New York

Olympia, Peter M.
16 Russell Road
Newburgh, New York 12550

Trevorah, Edward
Box 32
Vails Gate, New York 12584

Grefe, Frank H. & Theresa E.
Vails Gate, New York 12584

Weber, George A. & Olive B.
Vails Gate, New York 12584

Respectfully submitted,

ELLSWORTH E. WEYANT
Chairman
Board of Assessors

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 70-20
Date: Sept 19 70

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK
(contract

I (We) C. P. MANS purchaser) of 16 Tamara Lane , Cornwall
(Street & number)
HENRY L. NIELSEN (owner) of 97 Colonial Avnue, Warwick
New York HEREBY MAKE
(State)

APPLICATION FOR A VARIANCE:

- A. LOCATION OF THE PROPERTY Rt.94 & N.E.corner of Temple Hill Rd. (LB)
(Street & number) (Use district on Zoning Map)
- B. PROVISION OF THE ZONING ORDINANCE APPLICABLE: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance:
48-9B98) (d) (11) page 4824 of the Code
- C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:
1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because:

 2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: the adjoining uses consist of post office, bank, car wash, auto parts store, used car lot, office, gas stations, small store and a couple of residences.
 3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: the owner of the property has owned the property for 11 years and has had it for sale but has been unable to sell it for any purpose authorized by the present zoning and the ownership and conditions existed prior to the enactment of the zoning ordinance.

4. Relief, if approved will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: as previously indicated a used car sales lot is already in the neighborhood, a car wash and auto parts sales are adjacent thereto and the establishment of a used car lot will be in keeping with the uses in the gneral area.
5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: there already exists one used car lot in the area and the zoning would permit sale of used cars if the contract purchaser had a new car agency.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Property to be used ^{as} car lot

- E. Application to be accompanied by a check, payable to the Town of New Windsor in the amount decided by the Board. Application to be returned to: Secretary of the Zoning Bd. of Appeals.
- F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered mail to all abutting land owners as required by Section 9.4.1 of the Ordinance.
- G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239m of the General Municipal Law to see if it applies. If so, notify the Orange County Planning Bd.

Dated: September 18, 1970

[Signature]
Signature of Applicant

STATE OF NEW YORK)
COUNTY OF ORANGE)

SS

Sworn to on this 18 day of Sept 1970

Margie H. Deering
(Notary Public)

16 Tamar Lane
Address Cornwall
Ke 4 2363
Telephone No.

DO NOT WRITE IN THIS SPACE

Application No. 70-20
Date of Hearing Sept 21, 1970
Date of Decision Oct 5, 1970

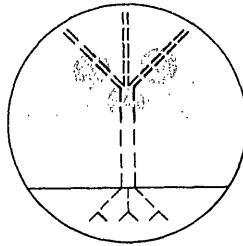
Date Received Sept 1970
Notice Published Sept 11, 1970

DECISION:

Granted

Department of Planning

Peter Garrison, A.I.P., Commissioner
Edwin J. Garling, A.I.P., Deputy Commissioner



The County Building
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V. Mills, County Executive

September 25, 1970

Mrs. Louise Budney
Chairman
Town of New Windsor Zoning Board of Appeals
16 Veronica Avenue
New Windsor, New York 12550

Re: Application for Use Variance
of C. P. Mans for Used Car
Sales Lot, Old Temple Hill
Road on Rt. 94.

Dear Mr. Budney:

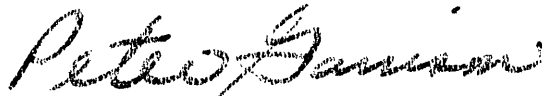
This office is in receipt of materials pertinent to the above cited application on which your board held a public hearing on September 21, forwarded to us on September 23 by the applicant's attorney (not directly from your board as is proper, nor accompanied by properly completed County Review Sheet, nor in time for our comments to be part of the public hearing).

We have examined this application and find that, in our opinion, the applicant's request is beyond the power of the Zoning Board of Appeals to grant. Article 111, Section 48-9B (11) prohibits used car sales in the LB District except as an accessory use to new car sales. To allow otherwise would be to legislate new uses (not merely modify conditions), which is beyond the purview of the local Z.B.A.

To accommodate the applicant's request would require a zone change from LB to GB. This we have already recommended for this area to the Town Board, and they have agreed to a comprehensive re-study of the zoning districts and ordinance, for which we would serve as consultants. This applicant will have to await those recommendations and ensuing actions before we will consider granting County approval.

Acting under Article 12B, Section 239 1 and m, of the General
Municipal Law of the State of New York, county approval is
hereby denied.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Peter Garrison".

Peter Garrison

Commissioner Planning Department

pg/pj

cc: Theodore Marsden
Joseph Tallarico
Arthur O. Maharay

Map of Lands of Henry L. Nielsen

Located at Vails Gate, Town of New Windsor

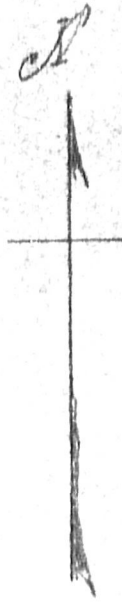
Orange County, N.Y.

By *Thos. J. J. J. J.*

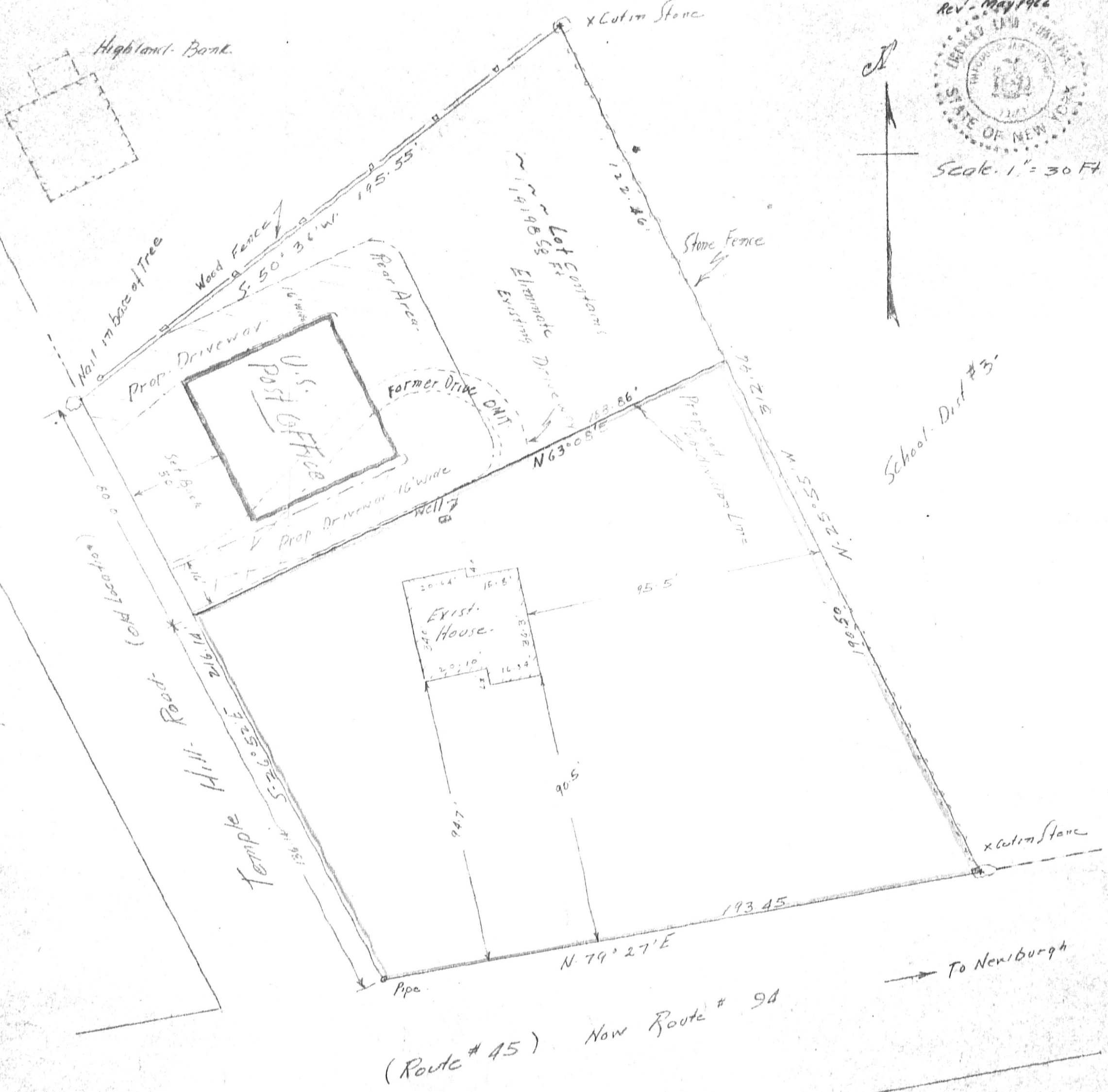
July 15, 1961
Rev. May 1966



Scale: 1" = 30 Ft



School Dist #3



(Route # 45) Now Route # 94